



PUBLIC NOTICE

Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
TTY 202 / 418-2555
Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

DA 07-4704

Released: November 21, 2007

**DOMESTIC SECTION 214 APPLICATION FILED
FOR THE TRANSFER OF CERTAIN TELECOMMUNICATIONS ASSETS
OF COMPUTER NETWORK TECHNOLOGY CORPORATION
TO BANDWIDTH.COM CLEC, LLC**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 07-261

Comments Due: December 5, 2007

Reply Comments Due: December 12, 2007

Pursuant to section 63.03 of the Commission's rules, Computer Network Technology Corporation (a.k.a. McDATA Services Corporation) (CNT) and Bandwidth.com CLEC, LLC (Bandwidth) (collectively, Applicants) request authority to transfer certain telecommunications assets from CNT to Bandwidth.¹ CNT, a Minnesota corporation, is a wholly owned subsidiary of McDATA Corporation, itself a subsidiary of Brocade Communications Systems, Inc., a publicly-traded Delaware corporation. CNT and its subsidiary provide dedicated, resold private-line data services in the United States.² Bandwidth, a Delaware limited liability company, is a wholly owned subsidiary of Bandwidth.com, Inc. (Bandwidth-Parent), a Delaware S Corporation. The following U.S. citizens own 10 percent or more of the equity of Bandwidth-Parent: David Morken (37 percent) and Henry Kaestner (37 percent). Applicants state that no other entity or person owns a 10 percent or greater direct or indirect interest in Bandwidth. Bandwidth-Parent provides competitive resold and/or facilities-based telecommunications services in nearly all 50 states and the District of Columbia. Bandwidth does not currently provide telecommunications services.³ Applicants propose to transfer certain telecommunications assets of CNT, including the customers for whom CNT provides regulated telecommunications services, carrier arrangements, and certain authorizations to provide

¹ 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214. Applicants supplemented their application with additional information on November 20, 2007. Applicants also filed an application for transfer of control associated with authorization for international services. Any action on this domestic 214 application is without prejudice to Commission action on other related, pending applications.

² CNT and its subsidiary are together authorized to provide intrastate telecommunications services in 42 states and the District of Columbia.

³ Bandwidth is authorized to provide intrastate telecommunications services in California, Florida, Georgia, Illinois, Montana, New York, North Carolina, North Dakota, Ohio, and Texas.

telecommunications services, to Bandwidth. The Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the Commission's rules and that a grant of the application will serve the public interest, convenience, and necessity.⁴

Application Filed for Transfer of Certain Assets of Computer Network Technology Corporation to Bandwidth.com CLEC, LLC, WC Docket No. 07-261 (filed Nov. 9, 2007).

GENERAL INFORMATION

The Wireline Competition Bureau finds, upon initial review, that the transfer of assets identified herein is acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 63.03(a) of the Commission's rules, 47 C.F.R. § 63.03(a), interested parties may file comments **on or before December 5, 2007**, and reply comments **on or before December 12, 2007**. Unless otherwise notified by the Commission, the Applicants may transfer assets on the 31st day after the date of this notice.⁵ Comments must be filed electronically using (1) the Commission's Electronic Comment Filing System (ECFS) or (2) the Federal Government's eRulemaking Portal. See 47 C.F.R. § 63.03(a) ("All comments on streamlined applications shall be filed electronically . . ."); *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Comments may be filed electronically using the Internet by accessing the ECFS, <http://www.fcc.gov/cgb/ecfs/>, or the Federal eRulemaking Portal, <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

In addition, email one copy of each pleading to each of the following:

- 1) The Commission's duplicating contractor, Best Copy and Printing, Inc., fcc@bcpiweb.com; phone: 202 / 488-5300; fax: 202 / 488-5563;
- 2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, tracey.wilson-parker@fcc.gov;

⁴ 47 C.F.R. § 63.03(b)(2)(i).

⁵ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

- 3) Nicholas Degani, Competition Policy Division, Wireline Competition Bureau, nicholas.degani@fcc.gov;
- 4) David Krech, Policy Division, International Bureau, david.krech@fcc.gov; and
- 5) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

Filings and comments are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; telephone: 202 / 488-5300; fax: 202 / 488-5563; email: fcc@bcpiweb.com; url: www.bcpiweb.com.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202 / 418-0530 (voice), 202 / 418-0432 (tty).

For further information, please contact Tracey Wilson-Parker at 202 / 418-1394 or Nicholas Degani at 202 / 418-2277.

– FCC –